

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ALLERGAN USA, INC., ALLERGAN)	
HOLDINGS UNLIMITED COMPANY and)	
EDEN BIODESIGN, LLC,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 19-1727 (RGA)
)	(Consolidated)
MSN LABORATORIES PRIVATE LIMITED,)	
MSN PHARMACEUTICALS, INC., and)	
SUN PHARMACEUTICAL INDUSTRIES)	
LIMITED,)	
)	
Defendants.)	

[PROPOSED] FINAL JUDGMENT

This action, having been tried before the Court from November 7 through November 9, 2022, Honorable Richard G. Andrews, District Judge presiding, the evidence and testimony of witnesses of each side having been heard and a decision having been rendered:

IT IS HEREBY ORDERED AND ADJUDGED this _____ day of October 2023, for the reasons set forth in the Opinion dated September 27, 2023 (D.I. 483) that:

1. Judgment is entered in favor of Defendant Sun Pharmaceutical Industries, Ltd. (“Sun”) and against Plaintiffs Allergan USA, Inc., Allergan Holdings Unlimited Company, Allergan Pharmaceuticals International Limited, Janssen Pharmaceutica NV, and Eden Biodesign, LLC (“Plaintiffs”) on Sun’s counterclaim for invalidity of asserted Claims 7 and 18 of U.S. Patent No. 11,007,179 (“the ’179 Patent”), asserted Claims 7 and 19 of U.S. Patent No. 11,090,291 (“the ’291 Patent”), asserted Claims 6 and 16 of U.S. Patent No. 11,160,792 (“the ’792 Patent”), and asserted Claims 26 and 29 of U.S. Patent No. 11,311,516.

2. Judgment is entered in favor of Sun and against Plaintiffs on Sun's counterclaim for invalidity of asserted Claim 40 of U.S. Patent No. 7,741,356.

3. Judgment is entered in favor of Defendants MSN Laboratories Private Limited and MSN Pharmaceuticals, Inc. (together, "MSN") and against Plaintiffs on MSN's counterclaim for invalidity of asserted Claims 11 and 23 of the '291 Patent, and asserted Claim 27 of the U.S. Patent No. 11,229,627.

4. Judgment is entered in favor of Plaintiffs and against Sun on Sun's counterclaims and defenses of unclean hands and patent misuse. (D.I. 444; D.I. 457 at 3:3-4:20.) All other counterclaims asserted by Sun and/or MSN in this action are hereby dismissed without prejudice as moot.

5. The following Complaints (or Counts of Complaints) alleging patent infringement against Sun and MSN are hereby dismissed with prejudice as part of this final judgment:

- a. Count 4 of the original Complaint alleging patent infringement by the product described in MSN's ANDA No. 213576 (*see* PTX-038) of the '587 and '632 Patents (D.I. 1);
- b. Count 5 of the original Complaint alleging patent infringement by the product described in Sun's ANDA No. 213447 (*see* PTX-070) of the '587 and '632 Patents (D.I. 1);
- c. Complaint against MSN alleging patent infringement by the product described in MSN's ANDA No. 213576 (*see* PTX-038) of the '179 Patent, the '291 Patent, and the '792 Patent (D.I. 257);

- d. Complaint against Sun alleging patent infringement by the product described in Sun's ANDA No. 213447 (*see* PTX-070) of the '179 Patent, the '291 Patent, and the '792 Patent (D.I. 259);
- e. Complaint against MSN alleging patent infringement by the product described in MSN's ANDA No. 213576 (*see* PTX-038) of the '627 Patent and the '516 Patent (D.I. 341);
- f. Complaint against Sun alleging patent infringement by the product described in Sun's ANDA No. 213447 (*see* PTX-070) of the '627 Patent and the '516 Patent (D.I. 343).

6. This Final Judgment resolves all claims and counterclaims asserted in this consolidated action (19-1727), and in related cases 1:21-cv-1064; 1:22-cv-181; 1:21-cv-1065; 1:22-cv-182; and 1:20-cv-1479.

7. The deadline for seeking costs under Fed. R. Civ. P. 54(d) and/or Local Rule 54.1 is hereby stayed until thirty (30) days after: (a) the issuance of any mandate from any appeal taken in this action; or (b) the date after which the deadline for filing a notice of appeal in this matter has expired, whichever is later. The parties shall each bear their own attorneys' fees.

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October 11, 2023

SO ORDERED this _____ day of _____, 2023.

UNITED STATES DISTRICT JUDGE